

5-3-07

AE

Vinson & Elkins

Timothy S. Corder tcorder@velaw.com
Tel 512.542.8446 Fax 512.236.3377



April 30, 2007

CERTIFICATE OF EXPRESS MAILING

NUMBER: EV599350096US

DATE: April 30, 2007

This paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service on the date indicated above and is addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Re: U. S. Patent Application Serial No. 09/083,422 entitled "A STORAGE SYSTEM FOR VEHICLES" by Scott Clare
(Our Ref. No.: INN643/4-013/58000)
Confirmation No. 3984

Dear Sir:

Enclosed for filing in the above-referenced patent application are the following:

1. Response to Notice of Non-Compliant Appeal Brief of March 30, 2007; and
2. Postcard.

Please date-stamp and return the enclosed postcard to evidence receipt of this document.

If any fees are due related to this filing, the Commissioner is authorized to appropriately deduct the requisite amount from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/INN643/4-13US/58000.

Very truly yours,

Timothy S. Corder
Reg. No. 38,414

9282:3058
Enclosures

Serial No. 09/083,422
Filed 05/22/98



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Scott Clare
Neil G. Long

Serial No.: 09/083,422

Filed: May 22, 1998

For: A STORAGE SYSTEM FOR VEHICLES

Group Art Unit: 3612

Examiner: Dennis H. Pedder

Atty. Dkt. No.: INN643/4-013

Confirmation No. 3984

CERTIFICATE OF EXPRESS MAILING

NUMBER: EV599350096US

DATE: April 30, 2007

This paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service on the date indicated above and is addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Sir:

This paper is filed in response to a Notification of Non-Compliant Appeal Brief of March 30, 2007. This paper is thus believed to be timely filed. No fees are believed to be due with the filing of this paper, however, should any fees be deemed to be due for any reason, the Commissioner is authorized to deduct the appropriate fee from Vinson & Elkins LLP, Deposit Account No. 22-0365/INN643/4-013US/58000.

Appellants respectfully request entry of the following paper and consideration of the pending appeal without further delay.

REMARKS

The Office has issued a Notification of Non-Compliant Appeal Brief, on the grounds that the Brief did not contain a concise explanation of the claimed subject matter defined in each of the independent claims, and that the brief lacks headings for the Evidence Appendix and the Related Proceedings Appendix.

Appellants submitted the concise explanation on July 21, 2006 in response to a previous Notification of Non-Compliant Amendment. This concise explanation was approved by the Examiner and incorporated into Appellants' Brief. In response to the current notification, Appellants' representative called Patrick Noland of the Board of Appeals and requested clarification. Mr. Noland courteously returned the phone call and left a message stating that the summary of the claimed invention submitted in July, 2006 is acceptable and that all that is required is a statement that the Evidence Appendix and Related Proceedings Appendix are empty.

Attached hereto is a transcription of Mr. Noland's message. The filed Summary of Claimed Subject Matter also appears below for the Board's convenience. Also attached are the Evidence Appendix and the Related Proceedings Appendix that can be incorporated into the Brief.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants application contains independent claims 49, 61, 85, 94, 126 and 127. Independent claim 49 recites a storage system for a vehicle having a driver compartment and a passenger compartment rearward of the driver compartment and within a single enclosure (*See, e.g.* Specification, p.11, ll.12-16), wherein the enclosure is defined by a floor, a roof, two opposing side walls which each connect the roof to the floor, and exterior side panels (*See, e.g. id.* at p.8, ll.1-5 (discussing vehicles commonly known to have an enclosure defined by a floor, a roof, two opposing side walls connecting the floor and the roof, and exterior side panels)), wherein the passenger compartment includes opposing rear wheel wells extending into the passenger compartment from the bottom edges of the side panels (*See, e.g.* Fig. 5(53); Specification, p.4, ll.24-27), the storage system comprising at least one storage area adjacent to and separated from the passenger compartment, the storage area being defined by at least a portion of an exterior side

panel, an inner panel, a top and bottom which connect the inner panel to the exterior side panel (*See, e.g.* Figs. 5(51), 9(103) & 10(103)), and wherein the storage area extends into the passenger compartment no further than the wheel well extends into the passenger compartment (*See, e.g.* Specification, p.4, ll.24-27), wherein at least one section of the exterior side panel is hinged to provide access to the storage area therein. *See, e.g.* Fig. 9(105); Specification p.5, ll.5-8.

Independent claim 61 recites a vehicle having a forward compartment for carrying a driver, and including at least one forward side door providing access to the forward compartment, and a rear compartment for passengers, merchandise or equipment wherein the rear compartment is disposed to the rear of the driver compartment (*See, e.g.* Specification p.8, ll.1-16), wherein the forward and rear compartments are contained in a single enclosure (*See, e.g. id.*), and further wherein the rear compartment is bounded by exterior, contoured side panels and a rear (*See, e.g. id.* at p.15, ll.26-27 & p.4, ll.1-6), including at least one rear door, and optionally at least one rear side door (*See, e.g. id.* at p.11, ll.12-18), and wherein each side panel has a lower perimeter that includes a curve to accommodate a rear wheel well adjacent each side panel (*See, e.g.* Fig. 6(62)); the vehicle comprising at least one storage area disposed between a rear-most one of said side doors and the rear of the vehicle (*See, e.g. id.* at (61)), and adjacent at least one exterior, contoured side panel and extending into the enclosure of the vehicle no further than the wheel well extends into the enclosure (*See, e.g.* Specification, p.4, ll.24-27), and wherein the side panel adjacent the storage area includes a hinged section effective to provide an opening from the exterior of the vehicle into the storage area (*See, e.g. id.* at p.5, ll.5-8), and further wherein the separation width and cross sectional contour of the side panels of the enclosure is substantially the same as the separation width and cross-sectional contour of the forward compartment where it adjoins the side panels of the enclosure. *See, e.g. id.* at p. 14, ll.15-18 & p.18, ll.15-18.

Independent claim 85 recites a vehicle comprising an enclosure containing at least two rows of seats for a driver and passengers (*See, e.g.* Specification, p. 9, ll.22-24 & p.11, ll.14-18), the enclosure comprising: a floor area bounded on either side by side panels with exterior surfaces defining the width of the enclosure (*See, e.g. id.* at p.8, ll.1-5); two opposed rear wheel wells, one at each side of the floor panel (*See, e.g. id.* at p.4,

11.25-27 & p.5, 11.2-4); at least one hinged section in the exterior surface of at least one of the side panels (*See, e.g.* Fig. 5(52); Specification, p.11, 1.25); at least one storage area located adjacent the at least one hinged section, and extending into the enclosure to an inner wall of the storage area (*See, e.g.* Fig. 5(51); Specification, p. 11, 11.18-21), wherein the hinged section is configured to provide access to the storage area when the hinged section is in the open position (*See, e.g.* Specification, p.7, 11.11-17) and wherein the width of the storage area is not greater than the width of the wheel well (*See, e.g. id.* at p.4, 11.24-27); a latch for retaining the at least one hinged side panel section in the closed position (*See, e.g. id.* at p.5, 11.4-11); and a strut for retaining the hinged section in the open position. *See, e.g.* Fig. 8A(82); Specification, p.14, 11.3-5.

Independent claim 94 recites a vehicle comprising a driver's compartment and a rear compartment, the rear compartment including a storage system (*See, e.g.* Figs. 5(51) & 6(71); Specification, p.11, 11.12-16), the rear compartment comprising: a floor area with opposing edges; a roof with opposing edges, and bounded on either side by side panels extending from the opposing edges of the floor panel to the opposing edges of the roof, and being outwardly bowed, defining the width of the rear compartment and at least one hinged section in the exterior surface of at least one of the side panels (*See, e.g.* Fig. 8A(80'); Specification, p.8, 11.1-5 (discussing vehicles commonly known to have an enclosure defined by a floor, a roof, two opposing side walls connecting the floor and the roof, and exterior side panels)); at least one storage area located intermediate the side panels, adjacent the at least one hinged section, and extending into a cargo area of the vehicle, wherein the hinged section is configured to provide access to the storage area when the hinged section is in the open position (*See, e.g.* Specification, p.7, 11.11-17); and a strut for retaining the hinged section in the open position (*See, e.g.* Fig. 8A(82); Specification, p.14, 11.3-5), wherein a temperature control for the strut is provided by at least one of insulating, heating, or heating and insulating. *See, e.g.* Specification, p.22, 11.4-20.

Independent claim 126 recites a storage system for a vehicle having a cargo area and a pair of side panels disposed on either side of the cargo area, the storage system comprising at least one storage area located intermediate the side panels and extending into the cargo area of the vehicle, and comprising: at least one opening effective to

expose the interior of the storage area; at least one section of at least one of the side panels being hinged, the hinged section effective to provide access to the storage area therein (*See, e.g. id.* at p.4, ll.24 – p.5, ll.8), and wherein said storage system comprises at least one strut assembly operatively connected to retain the at least one hinged section of the side panel in an opened position and wherein the at least one strut assembly provides a temperature control during use, the control being insulation, heating, or heating and insulation. *See, e.g. id.* at p.21, ll.22 – p.22, ll.2.

Independent claim 127 recites a vehicle having a forward compartment for carrying a driver and an enclosure for passengers, merchandise or equipment wherein the enclosure is disposed to the rear of the driver compartment (*See, e.g.* Specification p.8, ll.1-16), and further wherein the enclosure is bounded by side panels and a rear wall, including at least one rear door, the vehicle comprising at least one storage area adjacent at least one side panel and extending into the enclosure of the vehicle, and wherein at least one side panel includes a hinged section effective to provide an opening from the exterior of the vehicle into the storage area (*See, e.g. id.* at p.11, ll.12-22) and a mechanism for securing the at least one hinged section in the closed position (*See, e.g. id.* at p.20, ll.2-6), wherein said vehicle includes at least one strut assembly operatively connected to retain the hinged section in an opened position and wherein the at least one strut assembly provides a temperature control during use, the control being insulation, heating, or heating and insulation. *See, e.g. id.* at p.21, ll.22 – p.22, ll.2.

CONCLUSION

Appellants submit that the Brief is in full compliance and request the Board to consider the merits of the pending appeal. In the meantime, if the Examiner has any questions or comments, or believes that certain amendments of the claims would advance this case toward allowance, a telephone call to the undersigned Appellants' representative at (512) 542-8446 is earnestly solicited.

Respectfully submitted,



Timothy S. Corder
Reg. No. 38,414
Agent for Appellant

VINSON & ELKINS
2300 First City Tower
1001 Fannin Street
Houston, TX 77002-6760
512.542.8446

Date: April 30, 2007

Serial No. 09/083,422
Filed 05/22/98

IX. EVIDENCE APPENDIX

None

Serial No. 09/083,422
Filed 05/22/98

X. RELATED PROCEEDINGS APPENDIX

None



Timothy S. Corder tcorder@velaw.com
Tel 512.542.8446 Fax 512.236.3377

COPY

Date: April 12, 2007

To: To File: INN643/4-013

From: Timothy S. Corder

Re: Voice Mail Message Left by Patrick Noland on 04/12/07

Mr. Corder, this is Patrick Noland calling from the Board of Patents Appeals and Interferences. I'm returning your phone call from earlier today on case 09/083,422. You were calling to inquire about the return order that was mailed to you on March 30 of this year. In reviewing the case, there are two points to discuss for a moment, and if anything I am saying is unclear, please feel free to give me a call back. The summary of the claimed invention which you submitted as a separate paper on July 21, 2006, is fine. My apologies for it being overlooked. However, the original Appeal Brief which was filed on January 19, 2006, was missing in the evidence appendix and the related proceedings appendix. You can easily correct that by coming in with a statement in response to the non-compliant brief. If the comments for those two appendices are none, you can state so. You can say the evidence appendix can say "None," and related proceedings appendix "None." And then direct the examiner to the summary of the claimed subject matter which you did accurately do on July 21, 2006. That should take care of your particular issues with the return order from the Board. And my apologies for the fact that the separate paper which was filed in July did comply with the rules for an appropriate brief. Once again, if you have any questions or concerns, don't hesitate to call me.

The return order, when you respond to the return order it is going to come back up to the Board and the paralegal and myself will be reviewing it and so you can just direct it to the claimed subject matter on July 21, 2006 and then come in with statements of "None" to the two other appendices, if that is accurate. All right? I hope this addresses any of your concerns. My phone number in case you need to reach me -- 571.272.0847. Bye.

Austin 819459v1